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Oct 28 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of Common Pleas

Edgar W. Dickson, Circuit Court Judge

Appellate Case No.: 2022-000981

Linda Hooker.....Appellant,
v.

McDonald’s Corporation, McDonald’s Real Estate Company, JKS & K, Inc., Pam Hampton, and
Proline Striping Service, Inc.....Respondents.

MOTION TO SUBSTITUTE APPELLANT DUE TO DEATH

The underlying action arises out of a slip-and-fall accident that occurred at a McDonald’s franchised location at 8940 Old Number Six Highway in Orangeburg County on or about July 28, 2018. Appellant initially brought suit against Respondents McDonald’s Corporation, McDonald’s Real Estate Company, J K S & K, Inc., the franchisee, and Pam Hampton, the store manager. Appellant alleged, in relevant part, that she slipped and fell on a white painted line in the parking lot. Complaint, March 30, 2020, at ¶¶ 12 – 16. After initial discovery, Appellant amended her Complaint to add Proline Striping Service, LLC, the entity that allegedly painted/striped the parking lot at the direction of McDonald’s Corporation and/or it’s franchisee. Amended Complaint, October 23, 2020, at ¶¶ 13 – 19. During the pendency of this appeal, Appellant passed away from unrelated causes during the pendency of the litigation and her husband, Ralph Hooker, was appointed the personal representative of her estate. Counsel for Appellant filed a Statement Noting Death pursuant to Rule 25, South Carolina Rules of Civil Procedure. Despite the filing,

the caption was not amended to reflect the change in status.

WHEREFORE Appellant prays that Ralph Hooker as Personal Representative of the Estate Linda Hooker¹ be substituted as the Appellant to the present Appeal.

Our firm's check in the amount of \$50.00 for the filing fee is being sent via US Mail to the Court contemporaneous with this filing.

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Attorney for Respondents McDonald's Corporation, McDonald's Real Estate Company, JKS & K, Inc. and Pam Hampton

Peden Brown McLeod, Jr., SC Bar No. 74967
McLeod, Fraser & Cone LLC

¹ A copy of Ralph Hooker's Appointment as the Personal Representative of the Estate is attached to Appellant's Motion as "Attachment A".

P.O. Drawer 230
Walterboro, SC 29488
Attorney for Respondent Proline Striping Service, Inc.

Attachment A

STATE OF SOUTH CAROLINA

IN THE PROBATE COURT

COUNTY OF: CALHOUN

CERTIFICATE OF APPOINTMENT

IN THE MATTER OF:
LINDA WALTZ HOOKER
(Decedent)

CASE NUMBER: : 2021ES0900001

This is to certify that

RALPH HOOKER

is/are the duly qualified

- PERSONAL REPRESENTATIVE
- SUCCESSOR PERSONAL REPRESENTATIVE
- SPECIAL ADMINISTRATOR

in the above matter and that this appointment, having been executed on the 4th day of January, 2021, is in full force and effect.

RESTRICTIONS:

none

Executed this 4th day of January, 2021.



Kathryn Strickland Brown, Probate Court Judge

Do not accept a copy of this certificate without the raised seal of the Probate Court.

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PROOF OF SERVICE

I certify that I have served the Motion to Substitute on all attorneys of record, by depositing a copy of it in the United States Mail, postage prepaid on October 28, 2022, addressed to the Respondents' attorneys of record.

October 28, 2022

SIGNATURE PAGE FOLLOWS



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